

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

UNITED STATES OF AMERICA,
Plaintiff,

*

*

v.

*

*

5 JENKINS ROAD
CHESAPEAKE CITY, MD
Defendant

*

CIVIL NO. L-02-3697

*

And

*

WAYNE M. BYERLY
Claimant

*

And

*

GMAC MORTGAGE CORPORATION,
Claimant.

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**WAYNE M. BYERLY'S ANSWER TO
VERIFIED COMPLAINT FOR FORFEITURE**

Wayne M. Bylerly, Claimant, by undersigned counsel, in Answer to
the Verified Complaint for Forfeiture says:

First Defense

1. That the Complaint fails to state a cause of action against
defendant upon which relief can be granted.

Second Defense

2. That the relief seeking forfeiture of the subject property violates the Excessive Fines Clause of the Eight Amendment.

Answer to Specific Averments

3. That Claimant admits the allegations contained in Paragraphs 1 through 4 of the Complaint.

4. That Claimant denies the allegations contained in Paragraph 5 of the Complaint.

5. That Paragraph 6 of the Complaint does not contain specific allegations that Claimant is required to respond for it contains statements of various parties.

WHEREFORE, Wayne M. Byerly requests the Verified Complaint be dismissed.

VERIFICATION

I, Wayne M. Byerly declare under the penalties of perjury that the foregoing is true to the best of my information, knowledge and belief.

s/s Wayne M. Byerly
Wayne M. Byerly

/s/ C. Thomas Brown
C. Thomas Brown
205 East Main Street
Elkton, Maryland 21921
(410) 398-3850

Attorney for Claimant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2004 that a copy of the foregoing was sent via electronic mail and by first class mail, postage prepaid to Richard C. Kay, Esquire, Assistant United States Attorney, United States Courthouse, 101 W. Lombard Street, Baltimore, MD 21202.

/s/ C. Thomas Brown
C. Thomas Brown